

ROBERT C. MEREDITH

IBLA 79-361

Decided December 11, 1979

Appeal from the decision of the Wyoming State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offer W 67660.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Applications: Drawings

A simultaneous oil and gas drawing entry card must be fully executed by an applicant, and where the applicant omits from his address, the state and zip code, the lease offer is properly rejected.

2. Accounts: Refunds -- Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Applications: Drawings

A simultaneous oil and gas lease drawing entry card omitting the state and zip code from the offeror's address is properly rejected and the filing fee is properly retained by the Bureau of Land Management.

APPEARANCES: Herman L. Lawson, Esq., Mansfield, Louisiana, for appellant.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

Robert C. Meredith has appealed from a decision of the Wyoming State Office, Bureau of Land Management (BLM), dated April 19, 1979, rejecting oil and gas lease offer W 67660. The offer was rejected

because appellant failed to include his state and zip code in his address on the drawing entry card. Appellant contends that the omission was due to the inadvertence of an agent who filed the card for him. He further notes that the filing fee which accompanied the card has not been returned.

[1] A simultaneous oil and gas lease must be issued to the first-qualified applicant. 30 U.S.C. § 226 (1970). A notice published in the Federal Register, 39 FR 24523 (July 3, 1974), stated that: "Failure to complete any part of the card will disqualify the applicant for participation in the drawing." The regulations require the card to be fully executed. 43 CFR 3112.2-1(a). It is well settled that failure to include the applicant's address compels the rejection of the lease offer. Burton A. Rykken, 36 IBLA 277 (1978); Rita D. Vick, 36 IBLA 275 (1978); Sam Powell, 36 IBLA 273 (1978); Hartley L. Gordon, 32 IBLA 139 (1977); Grace M. Williams, 26 IBLA 232 (1976). The address includes the state and zip code.

In Albert E. Mitchell III, 20 IBLA 302 (1975), the Board explained the reason for its stringent application of the regulation: "In order to process the increasingly large number of simultaneous offers certain procedures must be followed which for their successful operation require complete cooperation and accuracy on the part of applicants." If an offer is not filed in accordance with the regulations, it must be rejected. 43 CFR 3111.1-1(d).

[2] The regulations require a \$10 filing fee for the filing of an oil and gas lease offer, including one filed pursuant to the simultaneous procedures set forth in 43 CFR Subpart 3112. 43 CFR 3103.1-3 and 3112.2-1(a)(1). As 43 CFR 3103.1-3 provides, the filing fee is to be retained as a service charge even though the offer should be rejected. Refunds are allowed only when the remittance is unacceptable, when the filing is premature or late, or when the parcel has been deleted from the drawing list. See Henry A. Alker, 34 IBLA 136 (1978); James H. Scott, 25 IBLA 384 (1976).

The Secretary of the Interior is authorized to charge reasonable filing fees. 43 U.S.C. § 1371 (1970). The fact that the filing was defective does not require BLM to return the filing fee. The burden is on the offeror to file a correct entry card. See Grace M. Williams, 26 IBLA 232 (1976); Ishmael Guerra, 26 IBLA 116 (1976); Albert E. Mitchell III, *supra*.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Joan B. Thompson
Administrative Judge

We concur:

Newton Frishberg
Chief Administrative Judge

James L. Burski
Administrative Judge

